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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of:	Sorge, et al.	Examiner:	Chakrabarti, A.
Serial No.:	09/338,855	Group Art Unit:	1655
Filed:	June 23, 1999		
Entitled:	"Methods of Enriching for and Identifying Polymorphisms"		

Commissioner for Patents
Washington, D.C. 20231

RESPONSE TO RESTRICTION REQUIREMENT

AND PRELIMINARY AMENDMENT

Dear Sir:

In response to the Restriction Requirement dated August 16, 2000, the Applicants elect **Group I, Claims 1-3 and newly added claims 145-156** for prosecution on the merits, with traverse.

Applicants respectfully request that the Examiner reconsider the classification of claims in the present office action. It is submitted that the restriction requirement contains an error in terms of classification of the claims. It is submitted that Group IV, claims 49-74, is characterized by the Examiner as being drawn to a method for enriching for and identifying a nucleic acid sequence by using an amplification reaction. This is incorrect. Claims 49-56 require primer hybridization and extension (i.e., amplification), however, claims 57-74 do not. It is submitted that claims 57-74 fall into Group I, as the independent claims, i.e., claims 57 and 71, both require that the nucleic acid sample be fragmented and physically separated (see steps (a) and (b) of these claims, prior to the subsequent steps of those claims. Steps (a) and (b) of claims 57 and 71 can, in fact, be rewritten as dependent claims to claim 1, as claim 1 requires binding of a sequence-specific binding activity which is capable of retaining a bound subset of nucleic acid molecules.